HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 50 OF 2006

PETITIONER Bindeshwari Mahila Swasahayata Samooh, Through – Presedent, Smt. Damin Bai, D/o. Santram Deshmukh, aged about – 30, R/o. Village-Albarash, Tah. & Distt.-Durg (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh Through-Secretary Ministry of Food and Civil Supply Department, D.K.S. Bhawan, Raipur (C.G.)
2. Collector – Food, Durg District – Durg (C.G.)
3. Food Officer Department of Food and Civil Supplies, Durg, Tah., & Distt.-Durg (C.G.)
4. Sub-divisional Officer (Revenue), Durg District-Durg (C.G.)

Present: Shri Shri R.K. Gomasta, learned counsel for the petitioner.
Shri Yashwant Singh, learned GA for the State/respondents.

ORAL ORDER
(Passed on 13th January, 2006)

The Collector – Food, Durg, District Durg passed an order authorizing as many as 65 Societies to distribute Essential Commodities through their fair price shops. In pursuance of the said order, the S.D.O. (Revenue), Durg, the fourth respondent herein, issued authorization to those Societies by his order dated 14-11-2005. Being aggrieved by the order of the District Collector as well as S.D.O. Durg, it is stated, the writ petition No. 6069/2005 and batch were filed in this Court by some aggrieved Societies. In those writ petitions, this Court on 01-12-2005,

stayed the order of the District Collector, Durg as well as S.D.O. Durg with regard to those Societies out of 65 Societies against which the grievances were made in those writ petitions and that interim order is still in operation. The District Collector, Durg in deference to the interim order passed by this Court and thinking it just and appropriate to stay the order made by him with regard to the remaining Societies also, took suo-motu initiative to stay the order with regard to the remaining Societies. The resultant position is that even the authorization granted in favour of the petitioner-Society has been stayed by the District Collector (Food), Durg vide his order dated 20-12-2005. Being aggrieved by the said order, this writ petition is filed.

(2) Having heard learned counsel for the parties, I do not think that this is a fit case where the Court should step-in under Article 226 and interfere with the order made by the District Collector, Durg in deference to the interim order passed by this Court on 1-12-2005 in W. P. No. 6069 of 2005 and the batch. Since the legality of the very notification issued by the District Collector is a subject matter of judicial review in W.P. No. 6069 of 2005, no exception could be taken to the impugned action of the District Collector staying the authorization granted in favour of the petitioner-Society. The writ petition is, therefore, dismissed. No costs.

Sd/-
S.R. Nayak
Chief Justice

Kamale